

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF ALABAMA  
EASTERN DIVISION**

**CECIL RAY FRYE, JR.,** )  
                            )  
**Petitioner,**           )  
**vs.**                     )       **Case No. 1:09-CV-2434-VEH-TMP**  
                            )  
**CONSTANCE REESE, Warden,** )  
**FCI Talladega, Alabama,** )  
                            )  
**Respondent.**          )

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**O R D E R**

On September 17, 2010, the magistrate judge filed his report and recommendation in the above-styled cause, recommending that this petition for *habeas corpus* relief filed pursuant to 28 U.S.C. § 2241 be denied and dismissed with prejudice. No objections have been filed.

Having now carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the Court is of the opinion that the report is due to be and hereby is **ADOPTED**, and the recommendation is **ACCEPTED**. Consequently, the petition for writ of *habeas corpus* filed pursuant to 28 U.S.C. § 2241 in the above-styled cause is due to be and the same is hereby **DENIED** and **DISMISSED WITH PREJUDICE**.

**DONE and ORDERED** this the 6th day of October, 2010.

  
VIRGINIA EMERSON HOPKINS  
United States District Judge